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HOUSE BILL 542

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO COURT-LEVIED FEES; INCREASING THE AMOUNT OF THE
JUDICIAL EDUCATION FEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 35-6-1 NMSA 1978 (being Laws 1968,
Chapter 62, Section 92, as amended) is amended to read:

"35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
"CONVICTED".--

A. Magistrate judges, including metropolitan court
judges, shall assess and collect and shall not waive, defer or
suspend the following costs:

docket fee, criminal actions under Section 29-5-1 NMSA
1978 \$ 1.00;

docket fee, to be collected prior to docketing any other
criminal action, except as provided in Subsection B

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1 of Section 35-6-3 NMSA 1978 20.00.
2 Proceeds from this docket fee shall be transferred
3 to the administrative office of the courts for
4 deposit in the court facilities fund;
5 docket fee, ten dollars (\$10.00) of which shall be
6 deposited in the court automation fund and fifteen
7 dollars (\$15.00) of which shall be deposited in the
8 civil legal services fund, to be collected prior to
9 docketing any civil action, except as provided in
10 Subsection A of Section 35-6-3 NMSA 1978 . . 62.00;
11 jury fee, to be collected from the party demanding trial
12 by jury in any civil action at the time the demand
13 is filed or made 25.00;
14 copying fee, for making and certifying copies of any
15 records in the court, for each page copied by
16 photographic process50.
17 Proceeds from this copying fee shall be transferred
18 to the administrative office of the courts for
19 deposit in the court facilities fund; and
20 copying fee, for computer-generated or electronically
21 transferred copies, per page 1.00.
22 Proceeds from this copying fee shall be transferred
23 to the administrative office of the courts for
24 deposit in the court automation fund.

25 Except as otherwise specifically provided by law, docket

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1 fees shall be paid into the court facilities fund.

2 B. Except as otherwise provided by law, no other
3 costs or fees shall be charged or collected in the magistrate
4 or metropolitan court.

5 C. The magistrate or metropolitan court may grant
6 free process to any party in any civil proceeding or special
7 statutory proceeding upon a proper showing of indigency. The
8 magistrate or metropolitan court may deny free process if it
9 finds that the complaint on its face does not state a cause of
10 action.

11 D. As used in this subsection, "convicted" means the
12 defendant has been found guilty of a criminal charge by the
13 magistrate or metropolitan judge, either after trial, a plea of
14 guilty or a plea of nolo contendere. Magistrate judges,
15 including metropolitan court judges, shall assess and collect
16 and shall not waive, defer or suspend the following costs:

17 (1) corrections fee, to be collected upon
18 conviction from persons convicted of violating any provision of
19 the Motor Vehicle Code involving the operation of a motor
20 vehicle, convicted of a crime constituting a misdemeanor or a
21 petty misdemeanor or convicted of violating any ordinance that
22 may be enforced by the imposition of a term of imprisonment as
23 follows:

- 24 in a county with a metropolitan court \$10.00;
- 25 in a county without a metropolitan court 20.00;

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1 (2) court automation fee, to be collected upon
2 conviction from persons convicted of violating any provision of
3 the Motor Vehicle Code involving the operation of a motor
4 vehicle, convicted of a crime constituting a misdemeanor or a
5 petty misdemeanor or convicted of violating any ordinance that
6 may be enforced by the imposition of a term of
7 imprisonment 10.00;

8 (3) traffic safety fee, to be collected upon
9 conviction from persons convicted of violating any provision of
10 the Motor Vehicle Code involving the operation of a motor
11 vehicle 3.00;

12 (4) judicial education fee, to be collected upon
13 conviction from persons convicted of operating a motor vehicle
14 in violation of the Motor Vehicle Code, convicted of a crime
15 constituting a misdemeanor or a petty misdemeanor or convicted
16 of violating any ordinance punishable by a term of
17 imprisonment [~~2.00~~]
18 3.00;

19 (5) brain injury services fee, to be collected
20 upon conviction from persons convicted of violating any
21 provision of the Motor Vehicle Code involving the operation of
22 a motor vehicle 5.00;
23 and

24 (6) court facilities fee, to be collected upon
25 conviction from persons convicted of violating any provision of
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1 the Motor Vehicle Code involving the operation of a motor
2 vehicle, convicted of a crime constituting a misdemeanor or a
3 petty misdemeanor or convicted of violating any ordinance that
4 may be enforced by the imposition of a term of imprisonment as
5 follows:

- 6 in a county with a metropolitan court 24.00;
- 7 in any other county 10.00.

8 E. Metropolitan court judges shall assess and collect
9 and shall not waive, defer or suspend as costs a mediation fee
10 not to exceed five dollars (\$5.00) for the docketing of small
11 claims and criminal actions specified by metropolitan court
12 rule. Proceeds of the mediation fee shall be deposited into
13 the metropolitan court mediation fund."

14 Section 2. Section 35-14-11 NMSA 1978 (being Laws 1983,
15 Chapter 134, Section 6, as amended) is amended to read:

16 "35-14-11. MUNICIPAL ORDINANCE--COURT COSTS--
17 COLLECTION--PURPOSE.--

18 A. Every municipality shall enact an ordinance
19 requiring assessment of corrections fees, judicial education
20 fees and court automation fees to be collected as court costs
21 and used as provided in this section.

22 B. A municipal judge shall collect the following
23 costs:

- 24 (1) a corrections fee of twenty dollars
25 (\$20.00);

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1 (2) a judicial education fee of [~~two dollars~~
2 ~~(\$2.00)~~] three dollars (\$3.00); and

3 (3) a court automation fee of six dollars
4 (\$6.00).

5 C. The fees are to be collected upon conviction from
6 persons convicted of violating any ordinance relating to the
7 operation of a motor vehicle or any ordinance that may be
8 enforced by the imposition of a term of imprisonment.

9 D. All money collected pursuant to Paragraph (1) of
10 Subsection B of this section shall be deposited in a special
11 fund in the municipal treasury and shall be used for:

12 (1) municipal jailer or juvenile detention
13 officer training;

14 (2) the construction planning, construction,
15 operation and maintenance of a municipal jail or juvenile
16 detention facility;

17 (3) paying the cost of housing municipal
18 prisoners in a county jail or detention facility or housing
19 juveniles in a detention facility;

20 (4) complying with match or contribution
21 requirements for the receipt of federal funds relating to jails
22 or juvenile detention facilities;

23 (5) providing inpatient treatment or other
24 substance abuse programs in conjunction with or as an
25 alternative to jail sentencing;

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1 (6) defraying the cost of transporting prisoners
2 to jails or juveniles to juvenile detention facilities; or

3 (7) providing electronic monitoring systems.

4 E. A municipality may credit the interest collected
5 from fees deposited in the special fund pursuant to Subsection
6 D of this section to the municipality's general fund.

7 F. All money collected pursuant to Paragraph (2) of
8 Subsection B of this section shall be remitted monthly to the
9 state treasurer for credit to the judicial education fund and
10 shall be used for the education and training, including
11 production of bench books and other written materials, of
12 municipal judges and other municipal court employees.

13 G. All money collected pursuant to Paragraph (3) of
14 Subsection B of this section shall be remitted monthly to the
15 state treasurer for credit to the municipal court automation
16 fund and shall be used for the purchase, maintenance and
17 operation of court automation systems in the municipal courts.
18 Operation includes staff expenses, temporary or otherwise, and
19 costs as needed to comply with Section 35-14-12 NMSA 1978. The
20 court automation systems shall have the capability of
21 providing, on a timely basis, electronic records in a format
22 specified by the judicial information systems council.

23 H. As used in this section, "convicted" means the
24 defendant has been found guilty of a criminal charge by a
25 municipal judge, either after trial, a plea of guilty or a plea

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1 of nolo contendere."

2 Section 3. Section 66-8-116.3 NMSA 1978 (being Laws 1989,
3 Chapter 318, Section 35, Laws 1989, Chapter 319, Section 14 and
4 Laws 1989, Chapter 320, Section 5, as amended) is amended to
5 read:

6 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL
7 FEES.--In addition to the penalty assessment established for
8 each penalty assessment misdemeanor, there shall be assessed:

9 A. in a county without a metropolitan court, twenty
10 dollars (\$20.00) to help defray the costs of local government
11 corrections;

12 B. a court automation fee of ten dollars (\$10.00);

13 C. a traffic safety fee of three dollars (\$3.00),
14 which shall be credited to the traffic safety education and
15 enforcement fund;

16 D. a judicial education fee of [~~two dollars (\$2.00)~~]
17 three dollars (\$3.00), which shall be credited to the judicial
18 education fund;

19 E. a brain injury services fee of five dollars
20 (\$5.00), which shall be credited to the brain injury services
21 fund; and

22 F. a court facilities fee as follows:
23 in a county with a metropolitan court \$24.00;
24 in any other county 10.00."

25 Section 4. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2009.

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